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ATTORNEY DOCKET NO. 05118.0007U4
SERIAL NO. 08/961,443

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Tim M. Townes et al.

Serial No. 08/961,443

Filed: October 30, 1997

For: TRANSGENIC ANIMALS THAT
PRODUCE HUMAN HEMOGLOBIN

Group Art Unit: 1632

Examiner: Jill Martin

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OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

BOX DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

April 27, 2001

Sir:

This Petition to Revive responds to the Notice of Abandonment mailed September 12, 2000. The above-identified application went abandoned on August 8, 2000 for failure to reply to a Notice to File Missing Parts of an Application (CPA) mailed on February 8, 2000 ("Notification"). Applicants did not receive the Office Action mailed February 8, 2000. Applicants herein Petition to Revive the above-identified application as the abandonment was unintentional and "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional."

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620.00 0P

Enclosed with this Petition to Revive is a check in the amount of \$ 620.00 under 37 C.F.R. § 1.17(m) for filing a Petition to Revive an application for a small entity under 37 C.F.R. § 1.137(b). Also enclosed with this Petition to Revive is a Revocation and Substitute Power of Attorney for the undersigned as well as a Response to the Notification of Missing Parts mailed on February 8, 2000. Also enclosed are a check for \$355.00 under 37 C.F.R. § 1.16(a) for the filing of a Continued Prosecution Application under 37 C.F.R. § 1.153(d) and a check for \$65.00 under 37 C.F.R. § 1.16(e) for filing the application fee late, both of which are required for a complete response to the Office Action mailed February 8, 2000.

I. UNINTENTIONAL ABANDONMENT

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A. Applicants did not receive an Office Action

This application was unintentionally abandoned for failure to respond to an Office Action never received by the Applicant. Applicants did not receive the Notice to File Missing Parts that was mailed by the PTO on February 8, 2000. Applicants prior representative spoke with Examiner Martin on September 11, 2000, at which time they were notified that the application had gone abandoned. Examiner Martin faxed the Office Action to the Applicants' prior representative on September 11, 2000, a copy of which is enclosed. Subsequent to September 11, 2000, this application as well as other applications assigned to the common assignee were transferred to Applicants' current representative, Needle & Rosenberg, P.C. Applicants current representative reviewed the issue and applicants now petition for revival.



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B. Applicants' petition for revival

Applicants petition for revival of the above-identified application as it was unintentionally abandoned and "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional."

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

David G. Perryman
Registration No. 33,438

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Atlanta, Georgia 30303-1811
404/688-0770

I hereby certify that this correspondence as well as any indicated as being attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

David G. Perryman

4-27-01
Date